

Town Board Minutes

July 20, 2009

Meeting No. 24

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of July 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSIST. CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:50 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 9:31 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Lorenc, Dawn, spoke to the Town Board on the following matter:

- feels that property adjacent to her driveway is sinking

Lemaster, Kevin, spoke to the Town Board on the following matter:

- Buffalo-Lancaster Airport

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- remediation work on Tyler Street
- Town owned property north of Walden Avenue

Hangauer, Carmen, spoke to the Town Board on the following matter:

- Buffalo-Lancaster Airport

Kwiatkowski, MaryAnn, spoke to the Town Board on the following matter:

- retention pond at local store has become stagnant and geese are a nuisance.

Galczynski, Martin, spoke to the Town Board on the following matter:

- water ponding on Wal Mart property.

Fronczak, Mike, spoke to the Town Board on the following matters:

- revision of storm sewer bubblers
- building permit for 5007 Transit Road
- Town owned property north of Walden Avenue
- Windsor Ridge South Subdivision
- Compaction Reports

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon proposed amendments to the Vehicle & Traffic Ordinance of the Town of Lancaster for stop intersections within Pleasant Meadows Subdivision, Phase IV.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Opponent/ Comments/Questions
None	

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:31 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

July 20, 2009

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held July 6, 2009 and the Regular Meeting of the Town Board held July 6, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of July, 2009 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on July 20, 2009;
3. That a Certified Copy thereof be published in the Lancaster Bee pursuant to Town Law;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

PLEASANT MEADOWS SUBDIVISION, PHASE IV

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Juniper Boulevard	Seneca Place	N.W. Corner
Juniper Boulevard	Seneca Place	S.E. Corner
Seneca Place	Juniper Boulevard	S.W. Corner
Seneca Place	Juniper Boulevard	S.W. Corner

July 20, 2009

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 20th day of July, 2009, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 20th day of July, 2009.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Pleasant Meadows LLC, 2730 Transit Road, West Seneca, New York 14224 has heretofore applied for approval of a seven (7) single family home development to be known as “Pleasant Meadows Subdivision Two” located on the south side of Pleasant View Drive in the Town of Lancaster, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed seven (7) single family homes development final plat as prepared by Greenman-Pedersen, Inc. consulting Engineers dated May 28, 2009 and filed with the Town Clerk on July 1, 2009 for the development to be known as “Pleasant Meadows Subdivision Two” for filing in the Erie County Clerk’s office.
2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

WHEREAS, the Deputy Highway Superintendent has advised that the \$10,000 sum which was appropriated for this work in the resolution of June 2, 2008 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$5,000.00, and

WHEREAS, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work, and

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$5,000 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Deputy Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the operation and security of municipal Justice Courts;

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

State of New York
County of Erie } ss:
Town of Lancaster

This is to certify that I, Johanna M. Coleman, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a resolution with the original thereof filed in my office at Lancaster, New York, on the 20th day of July 2009 and that the same is a true and correct copy of said original, and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 23rd day of July 2009.

Seal

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, thirty miles south of Buffalo, New York, the West Valley nuclear waste site, located in Cattaraugus County, is burdened with vast amounts of toxic and radioactive wastes, many of which will remain radioactive for tens of thousands of years, some for millions of years, including plutonium, uranium, strontium-90 and iodine-129, and can cause leukemia and cancer at low doses; and

WHEREAS, the site is the nation's only venture into commercial reprocessing of irradiated nuclear fuel, was operated by Nuclear Fuel Services and ended in total failure in 1976 with the company leaving and passing on cleanup responsibility to the government and taxpayers, and

WHEREAS, the site sits on top of a sole source aquifer and has been plagued with problems, such as radioactive contaminated ground water, and radioactivity from the site has been found as far away as the shore at the juncture of the Niagara River, and Lake Ontario demonstrating a potential for the leaking site to contaminate drinking water supplies for millions of people, and

WHEREAS, the Department of Energy and NYS Energy Research and Development Authority are proposing to leave buried waste onsite, (including high level radioactive waste tanks when such tanks are at the end of their useful lives and could leak contamination at any time), and delay final cleanup decisions for up to 30 years, and

WHEREAS, economists and scientists recently released a first-ever study on the long-term cleanup costs, *The Real Costs of Cleaning Up Nuclear Waste: A Full Cost Accounting of Cleanup Options for the West Valley Nuclear Waste Site*, funded by a New York State grant sponsored by Senator Catherine Young (R-Olean), and the study was conducted by Synapse Energy Economics, experts from Tufts University, SUNY Fredonia, and Radio Active Waste Management Associates, and

WHEREAS, the study investigated the costs of digging up radioactive waste versus leaving waste buried onsite for the next 1,000 years and found that a full waste excavation cleanup costs less, at \$9.9 billion, and presents the least risk to the population. Leaving buried waste onsite, which is expensive, at \$13 billion, carries high risks, and could also cost and additional

\$27 billion or more if a catastrophic release of radioactive waste contaminated drinking water supplies, and

WHEREAS, scientists found that erosion is a powerful and fast moving force in the region, and leaving buried waste onsite poses a risk to people if controls fail and dangerous radioactive waste pollutes local, regional and international waterways into Lake Erie the Niagara River and beyond, and

WHEREAS, scientists found the site poses a significant danger to people who live along nearby creeks, Buffalo residents and people living along the shores of Lakes Erie and Ontario and if just 1% of radioactivity leaked from the site, Lake Erie water users would be exposed to substantial radiation, causing hundreds of cancer deaths, and Buffalo and Erie County water replacement would cost hundreds of millions of dollars, and

WHEREAS, scientists and economists concluded that if wastes are left buried at West Valley and a release occurs, it can have expensive and disastrous consequences irreparably contaminating the precious Great Lakes region, and the costs of maintaining buried waste in an attempt to thwart future disaster will be far more expensive and far more risky than excavating the radioactive waste which is the safest, precautionary approach.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Lancaster supports the full cleanup of the entire West Valley nuclear waste site (also known as the Western NY Nuclear Service Center & Demonstration Project) through waste excavation; and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster supports cleanup standards that are at least as protective as current state radiation standards and unrestricted use toxic standards, and are fully protective of vulnerable populations, including children, fish, wildlife and water.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, an opening exists in the Recreation Department for a part-time Senior Citizens Recreation Attendant due to the resignation of Adam Myszka, and

WHEREAS, General Crew Chief Terrence McCracken, by letter dated July 9, 2009, has recommended the appointment of Debra Thomson of Lancaster, New York to fill the position of Recreation Attendant, part-time at the Senior Citizens Center.

NOW, THEREFORE, BE IT

 RESOLVED, that Debra Thomson of Lancaster, New York be and is hereby appointed to the position of Recreation Attendant, part-time in the Senior Citizens Center, effective July 21, 2009, at an hourly rate of \$9, working not more than nineteen and three quarters (19 3/4) hours pers week, with no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time employees.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, R&C Building & Contractors, LLC, P.O. Box 204, Boston, New York 14025, has submitted a site plan prepared by Daryl K. Martin-Architect, dated, March 26 and April 3, 2009 with a revision date of April 27, 2009 and received, July 14, 2009 for the proposed construction of a 10,600 sq. ft. Medical Office Building located at 5007-5009 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting on May 6, 2009 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 1, 2009 and a Negative Declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **R&C Building & Contractors, LLC**, P.O. Box 204, Boston, New York 14025, prepared by Daryl K. Martin-Architect, dated March 26 and April 3, 2009 with a revision date of April 27, 2009 and received July 14, 2009 for the proposed construction of a 10,600 sq. ft. Medical Office Building located at 5007-5009 Transit Road in the Town of Lancaster and is conditioned as follows:

- 1. Project to be consistent with NYS wetlands permit.
- 2. Owner will monument wetlands to Town Engineer’s specifications.
- 3. Landscape plan to be modified as per General Crew Chief’s letter dated April 27, 2009
- 4. Install driveway access to road south of site when installed and remove driveway shown on plan.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief for the Town of Lancaster’s Department of Parks, Senior Facility and Buildings & Grounds, has requested that the Town Board authorize an invitation to bid for the construction of the Heritage Trail Bike Path within the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the construction of the Heritage Trail Bike Path, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on August 13, 2009 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

**NOTICE TO BIDDERS
FOR THE
TOWN OF LANCASTER
HERITAGE TRAIL BIKE PATH**

NOTICE IS HEREBY GIVEN that sealed bids for the construction of a bike path from Walter Winter Road to Town Line Road located in Town of Lancaster, Erie County, New York, for the Town of Lancaster will be received from bidders by the Town Clerk, or her designee, at her office in the **Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M., Local Time**, on the 13th day of August, 2009, at which time they will be publicly opened and read aloud. To be considered, bids must be submitted on Town of Lancaster bid forms and delivered in a sealed opaque envelope.

The Project consists of the following contracts: **Heritage Trail Bike Path – Contract No. 18.** The project involves construction of a new trail facility, excavation, clearing and grubbing, landscape amenities and drainage improvements.

Contract Documents, Specifications and general bid provisions may be examined at the offices of Wm. Schutt & Associates, PC at 37 Central Avenue, Lancaster, New York, 14086 between the hours of 9:00 A.M. and 4:30 P.M. from July 23, 2009 to August 13, 2009 except Saturdays, Sundays, and Holidays. Copies may be obtained from the OWNER at the office of Wm. Schutt & Associates, PC upon document deposit of \$100.00 for each set.

Interested parties assume all responsibility to acquire bid information and forms.

This Contract will be funded wholly or partially with Federal funds, and as such, is subject to all Federal rules and regulations pertinent thereto, including, but not necessarily limited to, Federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services. **A DBE participation goal of 9 % is required as part of this contract, with a MBE/WBE participation goal of 2 %.**

A pre-bid meeting shall be held on **July 30, 2009 at 10:00 am** at the offices of the **Town Hall**, after which a site visit of the area will take place. Any statements made at the pre-bid meeting do not constitute changes in the Contract Documents. Amendments can only be accomplished by means of addenda issued by the OWNER or the ENGINEER.

Technical Questions should be directed to: Richard Bennett, P.E., Bergmann Associates, 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, office: 585-232-5135; rbennett@bergmannpc.com.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk

July 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated July 14, 2009, has recommended the appointment of Andrew T. Gill, Stacy E. Hendel, and Shawn D. Zaffram to the position of Police Officer, to fill three vacancies created by the retirements of Captain Riccardo Zuppelli, Detective Leon Robak, and Police Officer Dale Horn, and

WHEREAS, the current competitive civil service list for the position of Police Officer has been duly canvassed by the Chief of Police, and Andrew T. Gill, Stacy E. Hendel, and Shawn D. Zaffram qualify for appointment to this position pursuant to the procedures as set forth in the Civil Service Law, and

WHEREAS, authorization for such appointments was received from Erie County Personnel Department.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that Andrew T. Gill, Stacy E. Hendel, and Shawn D. Zaffram be and are hereby appointed to the position of Police Officer, in the Town of Lancaster Police Department, effective August 1, 2009, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 9033 to Claim No. 9278 Inclusive

Total amount hereby authorized to be paid: \$507,863.48

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 20, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

16938	R & C Building	5007 Transit Rd	Er. Comm. Bldg.
17060	Colley's Pool Sales	45 Cedar Brook Dr	Er. Pool-In Grnd
17061	Colley's Pool Sales	45 Cedar Brook Dr	Er. Fence
17062	Sahlems Roofing	227 Warner Rd	Re-Roof House
17063	Sahlems Roofing	6 Spruceland Ter	Re-Roof House
17064	Sahlems Roofing	95 Michael's Walk	Re-Roof House
17065	Sahlems Roofing	274 Warner Rd	Re-Roof House
17066	Sahlems Roofing	37 Rollingwood Dr	Re-Roof House
17067	Sahlems Roofing	5632 William St	Re-Roof House
17068	Anderson Power	1183 Penora St	Inst. Generator
17069	Carney, Diana	151 Lake Ave	Er. Deck (V/L)
17070	Pickett Fence	21 Wildwood Dr	Er. Fence (V/L)
17071	Rich Pools	11 Carter St	Er. Pool-Abv Grnd (V/L)
17072	Krempa, Craig	175 Westwood Rd	Re-Roof House
17073	D Allen & Sons	1845 Como Park Blvd	Re-Roof House (V/L)
17074	Pickett Fence	358 Seneca Pl	Er. Fence
17075	Seibold Construction	4885 William St	Re-Roof House
17076	Ecology & Environment	4493 Walden Ave	Er. Comm. Alt.
17077	Sun Enterprises	153 Albert Dr	Er. Shed (V/L)
17078	Martin, Maria	150 Albert Dr	Re-Roof House (V/L)
17079	Pickett Fence	164 Iroquois Ave	Er. Fence
17080	Gulczewski, Ronald	116 Ransom Rd	Er. Garage
17081	Pietras Builders Inc	437 Lake Ave	Dem. Dwlg.
17082	Roessler, Charles	28 School St	Re-Roof House (V/L)
17083	Peyton Barlow Co	6681 Transit Rd	Er. Comm. Add.
17084	Essex Homes of WNY	18 Tranquility Trl	Er. Dwlg.-Sin.
17085	Guardian Fences	38 Nicholas Ln	Er. Fence
17086	Hoelzl, David	590 Columbia Ave	Er. Shed
17087	Lovejoy Builders Inc	34 Sagebrush Ln	Er. Res. Add.
17088	Natale Builders Inc	54 Nicholas Ln	Er. Dwlg.-Sin.
17089	Natale Builders	10 Nicholas Ln	Er. Dwlg.-Sin.
17090	Natale Builders	9 Nicholas Ln	Er. Dwlg.-Sin.
17091	Sun Enterprises	16 Nottingham Ln	Er. Shed
17092	Kasinski, John	71 Burwell Ave	Er. Res. Add. (V/L)

17093	Sun Enterprises	254 Enchanted Forest N	Er. Shed	
17094	City Fence	42 Michael's Walk	Er. Fence	
17095	Decks Unlimited	46 Pleasant View Dr	Er. Deck	
17096	Decks Unlimited	150 Pleasant View Dr	Er. Deck	
17097	D Allen & Son	53 Lombardy St	Re-Roof House	(V/L)
17098	Sebastiano & Sons	27 Roosevelt Ave	Er. Garage	(V/L)
17099	Aqua Systems of WNY	4893 Transit Rd	Inst. Ingn'd Sprinkler	
17100	Schoner, Frank	27 Doris Ave	Re-Roof House	(V/L)
17101	Marrano/Marc Equity	76 Avian Way	Er. Dwlg.-Sin.	
17102	Phillips, Gary	13 Waltham Ave	Er. Deck	
17103	Pleasant Meadows Assoc.	28 Sterling Pl	Er. Dwlg.-Sin.	
17104	Iroquois Fence Inc	6 Huntley Pl	Er. Fence	(V/L)
17105	Babula Const	37 Grafton Ct	Er. Garage	
17106	Ciccarelli, Nicholas	809 Erie St	Inst. Generator	
17107	Besroi Roofing	26 Chestnut Corner	Re-Roof House	
17108	Besroi Roofing	9 Robinwood Ct	Re-Roof House	
17109	Szatkowski, Joyce	232 Iroquois Ave	Re-Roof House	
17110	Seil, Brenda	25 Woodlawn Ave	Er. Deck	(V/L)
17111	R & R's Remodeling	5313 Broadway	Re-Roof House	(V/L)
17112	Ryan Homes	29 Rose St	Er. Dwlg.-Sin.	
17113	Ryan Homes	37 Rose St	Er. Dwlg.-Sin.	
17114	Ryan Homes	31 Rose St	Er. Dwlg.-Sin.	
17115	Ryan Homes	34 St Anthony St	Er. Dwlg.-Sin.	
17116	Rosati Landscaping	92 Harvey Dr	Er. Deck	(V/L)
17117	RGGT, LLC	9 Doris Ave	Re-Roof House	(V/L)
17118	RGGT, LLC	560 Lake Ave	Re-Roof House	
17119	Fleming, Stuart	141 Nathan's Trl	Er. Deck	
17120	SW Maxxr Construction	1093 Ransom Rd	Er. Dwlg.-Sin.	
17121	Joy/Son Const	73 Holland Ave	Re-Roof House	(V/L)
17122	Stockmohr Co	16 Sherwood Rd	Re-Roof House	(V/L)
17123	Zee, Ron	1132 Penora St	Er. Deck	
17124	Driggs, Justin	475 Schwartz Rd	Er. Deck	
17125	Zimolong, Joseph	62 Avian Way	Er. Shed	
17126	Ryan Homes	53 Rose St	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
*COUNCIL MEMBER RUFFINO	RECUSED
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

* Council Member Ruffino noted that his personal building permit is included in this resolution.

July 20, 2009

COMMUNICATIONS & REPORTS

321. Erie County Farm Bureau Inc. to Supervisor -
Request to consider passing a Right to Farm Law in the town. DISPOSITION = Received & Filed
322. NYS Department of State to Town Clerk -
Announcement of availability of grant funding for various NYS programs.
DISPOSITION = Received & Filed
323. Tom Ciura, Susan Ciura to Buffalo-Lancaster Airport -
Letter of support for the Buffalo-Lancaster Airport. DISPOSITION = Received & Filed
324. Town Clerk to Town Board -
Monthly report for June 2009. DISPOSITION = Received & Filed
325. Western New York Civil Air Patrol Group NY-24 to Supervisor, Town Board -
Request for a Town Board resolution in support of the Buffalo-Lancaster Airport.
DISPOSITION = Received & Filed
326. Buffalo-Lancaster Regional Airport to Supervisor, Town Board -
Request to adopt resolution supporting the Buffalo-Lancaster Regional Airport; comments noted. DISPOSITION = Received & Filed
327. Town Clerk to Town Board -
Transmittal of final settlement payment for 2009 County/Town Tax Warrant.
DISPOSITION = Received & Filed
328. NYS DEC to Town Board -
Notice of availability of grant funding for the Water Quality Improvement Projects (WQIP) program. DISPOSITION = Received & Filed
329. Daniel Palumbo to Executive Director, Youth Bureau -
Notice of resignation as member of Youth Board. DISPOSITION = Received & Filed
330. Shirley J. Zuppelli to Executive Director, Youth Bureau -
Notice of resignation as member of Youth Board. DISPOSITION = Received & Filed
331. Erie County Department of Environment & Planning to Supervisor -
Notice of lead agency designation regarding rezone petition of 81 & 23 of Florida, Transit Road north of William Street; comments and recommendation noted.
DISPOSITION = Planning Committee
332. Erie County Department of Environment & Planning to Supervisor -
Notice of lead agency designation regarding site plan for Monti Concrete, 505 Erie Street, comments and concerns noted. DISPOSITION = Planning Committee
333. US DOT, Federal Aviation Administration to Buffalo-Lancaster Airport -
Notice of compliance of aircraft operations during random surveillance.
DISPOSITION = Received & Filed
334. Town of Cheektowaga, Office of Building Inspections to Town Board -
Notice of public hearing to be held July 15, 2009, 7:00 PM regarding application for use variance, 5130 Transit Road. DISPOSITION = Received & Filed
335. NYS DEC to Town Attorney -
Notice of lead agency designation regarding site plan for Monti Concrete, 505 Erie Street, comments noted. DISPOSITION = Planning Committee
336. David and Carolyn Gierke to Supervisor, Town Board -
Letter regarding the July 6, 2009 Town Board meeting. DISPOSITION = Received & Filed

337. Grantmakers Advantage, Inc. to Town Board -
Notice regarding funding opportunities from the NYS Department of State for the Brownfield Opportunity Area Program and the Local Government Efficiency Grant Program.
DISPOSITION = Received & Filed
338. The Coalition on West Valley Nuclear Wastes to Town Clerk -
Request for a Town Board resolution regarding the West Valley Nuclear Waste Site cleanup.
DISPOSITION = Resolution 7/20/09
339. Director, Safety Steering Committee to Town Board -
Minutes of meeting held June 30, 2009. DISPOSITION = Received & Filed
340. Erie County Department of Environment & Planning to Town Board -
Comments regarding site plan for Pleasant Meadows Subdivision 2, south side of Pleasant View Drive. DISPOSITION = Planning Committee
341. Town of Alden to Town Board -
Transmittal of resolution regarding purchase of winter road salt from state contract.
DISPOSITION = Received & Filed
342. Middle Department Inspection Agency, Inc. to Town Board -
Request for Town Board authorization to perform electrical inspections in the town.
DISPOSITION = Building Inspector
343. NYS DOT to Town Attorney -
Notice of lead agency designation regarding Senior Citizen Apartments, 4779 & 4783 Transit Road; comments noted. DISPOSITION = Planning Committee
344. Deputy Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding site plan for Pleasant Meadows Subdivision 2.
DISPOSITION = Planning Committee
345. NYS DOT to Town Attorney -
Notice of lead agency designation regarding site plan of the Vine Subdivision, north side of Summerfield Drive. DISPOSITION = Planning Committee
346. Village of Lancaster Historic Preservation Commission to Supervisor -
Letter offering assistance to facilitate nomination of Town Hall to listing on National Register of Historic Places. DISPOSITION = Received & Filed
347. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -
Notice of SEQR meeting to be held Monday, July 20, 2009, 6:30 PM regarding site plan of Monti Concrete Construction and rezone petition of 81 & 3 of Florida. DISPOSITION = Received & Filed
348. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, July 20, 2009, 6:30 PM regarding site plan of Monti Concrete Construction and rezone petition of 81 & 3 of Florida. DISPOSITION = Received & Filed
349. Wm. Schutt & Associates, P.C. to Town Board -
Recommend acceptance of public improvement in Nicholas Heights Subdivision, namely #657, street lighting. DISPOSITION = Planning Committee
350. General Crew Chief to Supervisor -
Request appointment of Debra Thomson to position of Recreation Attendant, part time at the Senior Center. DISPOSITION = Resolution 7/20/09
351. General Crew Chief to Supervisor -
Request resolution to advertise for bids for the Heritage Bike Trail. DISPOSITION = Resolution 7/20/09
352. Chief of Police to Town Board -
Request the appointment of three police officers. DISPOSITION = Resolution 7/20/09

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:31 P.M. in memory of Carol Throm , Rev. Stanley Nowak, Frank Germonte and Frank Martin.

Signed _____
Johanna M. Coleman, Town Clerk